

REMARKS

Claims 1 and 15 have been amended. Claim 13 has been canceled without prejudice. New claim 18-22 have been added. Claims 1-12 and 14-22 are currently pending. Reexamination and allowance of the pending claims is respectfully requested.

First, the allowability of claim 15 is gratefully acknowledged. Therefore, claim 15 has been amended to include the limitations of claim 1, claim 15 (and claim 16 depending therefrom) is submitted to be in condition for allowance.

Claims 1-14 and 17 stand rejected under 35 U.S.C. 102(e) or 35 U.S.C. 103(a) over USP 6,348,065 to Brown et al. ("Brown"). This rejection is respectfully traversed.

Independent claim 1 has been amended to recite that the connecting member is connected to adjacent annular elements at two separate locations that are along the same horizontal line of the stent when the stent is in the compressed state. This is similar to the recitation in claim 13, except that a "horizontal line" has been used as the reference instead of the longitudinal axis. In contrast, FIGS. 1, 4 and 5 of Brown (which shows the Brown stents in the compressed state) do not disclose connecting any connecting member 20 to adjacent annular members 16 along the same horizontal line of the stent.

Thus, claim 1, and claims 2-12, 14 and 17 depending therefrom, are allowable over Brown.

New independent claim 18 recites, among other limitations, that each apex of each annular element is attached to a connecting member. See, for example, FIGS. 3-4 of the present application. In contrast, not all of the apices in the stents in FIGS. 1-5 of Brown are connected to an interconnecting element 20. Although Brown discloses in column 3, lines 42-45 that the number of interconnecting elements 20 can be varied, Brown does state that "[t]hree per segment are satisfactory". This suggests to a person skilled in the art that not all the apices need to be connected to an interconnecting element 20. For this reason, Brown cannot teach or even remotely suggest to a person skilled in the art that each apex of each annular element 16 must be attached to an interconnecting element 20. Thus, claim 18 is submitted to be allowable over Brown.

New independent claim 19 recites that the length of the stent is the same in both the expanded and compressed states (i.e., that the stent is non-foreshortening). See FIGS. 3 and 4, among others, in the present application. In contrast, Brown does not teach or suggest that any of its stents are non-foreshortening. In fact, the very short lengths (when compared to the struts) of the the interconnecting elements 20 in Brown will not allow the stents to be non-foreshortening. Thus, claim 19 is submitted to be

allowable over Brown.

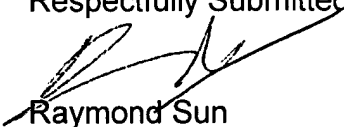
New independent claim 20 recites that the connecting member is straight when the annular elements are in the expanded state, and is curved when the annular elements are in the compressed state. See FIGS. 3 and 4 of the present application. In contrast, the interconnecting elements 20 in Brown are always straight. Compare FIGS. 1, 2 and 3 of Brown. Thus, claim 20 is submitted to be allowable over Brown.

New independent claim 21 recites that the apices of adjacent annular elements are aligned when the annular elements are in the expanded state, and are offset from each other when the annular elements are in the compressed state. See FIGS. 6 and 7 of the present application. In contrast, in Brown, the apices of adjacent annular elements are offset from each other when the annular elements are in the expanded state (see FIG. 3), and are aligned with each other when the annular elements are in the compressed state (see FIGS. 1, 2, 4 and 5). Thus, claim 21 is submitted to be allowable over Brown.

New independent claim 22 recites that the entire length of the stent experiences a helical twist when the stent is expanded from the compressed state to the expanded state. In contrast, this feature is not taught or suggested by Brown. Thus, claim 22 is submitted to be allowable over Brown.

For the above reasons, it is respectfully submitted that all pending claims are in condition for allowance. The Examiner is encouraged to telephone the undersigned if there are informalities that can be resolved in a phone conversation, or if the Examiner has any ideas or suggestions for further advancing the prosecution of this case.

Respectfully Submitted,


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I hereby certify that this paper and its enclosures are being deposited in United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Date: May 19, 2003

By: 
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